

**CASE NO. 16-1141**

---

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

---

**TARLTON AND SON, INC.**

**Petitioner**

**v.**

**NATIONAL LABOR RELATIONS BOARD**

**Respondent**

**and**

**ROBERT C. MUNOZ**

**Intervenor**

---

**NATIONAL LABOR RELATIONS BOARD  
Case 32-CA-119054 AND 32-CA-126896; 363 NLRB NO. 175**

---

**REPLY TO RESPONSE OF PETITIONER TARLTON AND SON, INC. TO  
COURT'S ORDER TO SHOW CAUSE**

---

DAVID A. ROSENFELD (058163)  
WEINBERG, ROGER & ROSENFELD  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501  
(510) 337-1001 Tel  
(510) 337-1023 Fax

Counsel for *Intervenor*,  
ROBERT C. MUNOZ

Tarlton and Son concedes that the law of this Circuit is settled that Tarlton's Petition for Review is "incurably premature." This Court should dismiss the Petition for Review based upon settled Circuit law. Tarlton is free to re-file the Petition for Review after the Board's Motion for Reconsideration is ruled upon.

Dated: August 19, 2016

Respectfully Submitted,

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

/s/ David A. Rosenfeld  
DAVID A. ROSENFELD

Attorneys for Intervenor,  
ROBERT C. MUNOZ

141276\877820

**CERTIFICATE OF SERVICE**

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the withing action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501. I certify that on August 19, 2016, the **REPLY TO RESPONSE OF PETITIONER TARLTON AND SON, INC. TO COURT'S ORDER TO SHOW CAUSE** was served on all parties or their counsel of record through CM/ECF system as addressed below.

Mr. James A. Bowles  
Mr. Richard S. Zuniga  
Hill, Farrer & Burrill, LLP  
300 South Grand Avenue, 37th Floor  
Los Angeles, CA 90071  
(213) 624-4840 Fax  
[jbowles@hillfarrer.com](mailto:jbowles@hillfarrer.com)  
[rzuniga@hillfarrer.com](mailto:rzuniga@hillfarrer.com)

*Attorneys for Petitioner Tarlton and Son, Inc.*

Ms. Amy Berbower  
Field Attorney  
National Labor Relations Board, Region 32  
1301 Clay Street, Room 300N  
Oakland, CA 94612-5211  
(510) 637-3315 Fax  
[Amy.berbower@nrlrb.gov](mailto:Amy.berbower@nrlrb.gov)

*Attorneys for the Respondent National Labor Relations Board*

Linda Dreeben  
Deputy Associate General Counsel  
Nation Labor Relations Board  
1099 14th Street, NW  
Washington, DC 20570  
[Linda.Dreeben@nrlrb.gov](mailto:Linda.Dreeben@nrlrb.gov)

*Attorneys for Respondent National Labor Relations Board*

I certify that the above is true and correct. Executed at Alameda, California, on August 19, 2016.

/s/ Karen Kempler

Karen Kempler